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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,893	02/17/2004	George Xenakis	CE10902W	9642
22917	7590	03/06/2009		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER SHAND, ROBERTA A	
			ART UNIT 2416	PAPER NUMBER
			NOTIFICATION DATE 03/06/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,893	<b>Applicant(s)</b> XENAKIS ET AL.	
	<b>Examiner</b> Roberta A. Shand	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Creamer (U.S. 7200400 B2) and further in view of Foti (U.S. 6751204 B1).

4. Regarding claim 1, the admitted prior art teaches (fig. 1) in a communication system a method for routing bearer traffic between a 3G network and a 2G network, the method for routing bearer traffic comprising the steps of: determining by a first network a local gateway in proximity to a calling party.

5. The admitted prior art does not teach if a calling party is roaming into a first network, determining by the first network a local gateway of the first network and in proximity to a calling party; and sending the bearer traffic by the first network to the local gateway; and directly routing the bearer traffic from the local gateway to a second network in proximity to a called party.

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6. Creamer teaches (fig. 1) if a calling party is roaming into a first network (wireless network 105, Creamer teaches roaming between a mobile network – conventional cellular telephony network or a PCS and a wireless network – TCP/IP over 802.11), determining by the first network a local gateway of the first network (col. 6, line 57 – col. 7, line 3); and sending the bearer traffic by the first network to the local gateway; and directly routing the bearer traffic from the local gateway to a second network in proximity to a called party (col. 2, line 64 – col. 3, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Creamer's's roaming method to ensure quality of service within the system allowing a mobile to freely roam between a mobile network and a wireless network without the call being dropped (col. 1, lines 39-43).

7. The admitted prior art and Creamer do not teach determining by the first network a local gateway of the first network and in proximity to a calling party.

8. Foti teaches (col. 5, lines 3-57 and fig. 2A) determining by the first network a local gateway of the first network and in proximity to a calling party. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art and Creamer to include Foti's location determination to ensure a quality signal strength.

9. Regarding claims 2 and 12, Creamer teaches (col. 4, lines 14-32) there is further included a step of determining a location of the called party.

10. Regarding claims 3 and 13, the admitted prior art teaches the first network includes the 2G network currently serving the calling party.

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11. Regarding claims 4 and 14, the admitted prior art teaches the second network includes the 3G network currently serving the called party.

12. Regarding claims 5 and 15, the admitted prior art teaches the first network includes the 3G network currently serving the calling party.

13. Regarding claims 6 and 16, the admitted prior art teaches the second network includes the 2G network currently serving the called party.

14. Regarding claims 7 and 11, Creamer teaches (fig. 2) the step of directly routing the bearer traffic includes a step of inhibiting transmission of the bearer traffic to a home gateway, if the calling party is roaming (Creamer teaches selecting a gateway based on the location of the device which means if the party is roaming the home agent wont be selected therefore inhibiting transmission to the home gateway).

15. Regarding claims 8 and 17, the admitted prior art teaches routing the bearer traffic from the local gateway through an inter-connect network between the first and second networks to the called party.

16. Regarding claim 9, the admitted prior art teaches (fig. 1) a method for routing bearer traffic between a first network and a second network, the method for routing bearer traffic

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comprising the steps of: determining by the first network a local gateway in proximity to a calling party;

17. The admitted prior art does not teach if a calling party is roaming into a first network, determining by the first network a local gateway of the first network and in proximity to a calling party; and sending the bearer traffic by the first network to the local gateway; and directly routing the bearer traffic from the local gateway to a second network in proximity to a called party.

18. Creamer teaches (fig. 1) if a calling party is roaming into a first network (wireless network 105, Creamer teaches roaming between a mobile network – conventional cellular telephony network or a PCS and a wireless network – TCP/IP over 802.11), determining by the first network a local gateway of the first network (col. 6, line 57 – col. 7, line 3); and sending the bearer traffic by the first network to the local gateway; and directly routing the bearer traffic from the local gateway to a second network in proximity to a called party (col. 2, line 64 – col. 3, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Creamer's's roaming method to ensure quality of service within the system allowing a mobile to freely roam between a mobile network and a wireless network without the call being dropped (col. 1, lines 39-43).

19. The admitted prior art and Creamer do not teach determining by the first network a local gateway of the first network and in proximity to a calling party.

20. Foti teaches (col. 5, lines 3-57 and fig. 2A) determining by the first network a local gateway of the first network and in proximity to a calling party. It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the admitted prior art and Creamer to include Foti's location determination to ensure a quality signal strength.

21. Regarding claim 10, Creamer teaches (fig. 2) there is further included a step of sending the bearer traffic by the first network to the local gateway.

### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roberta A. Shand

/R. A. S./

Examiner, Art Unit 2416

/William Trost/

Supervisory Patent Examiner, Art Unit 2416